

VOLUME: I  
PAGES: 1-201  
EXHIBITS: 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
CASE NO.: 11-cv-04473

MELISSA THRASHER-LYON, on )  
behalf of herself and a )  
class of other similarly )  
situated, )  
Plaintiffs, )  
vs. )  
CCS COMMERCIAL LLC, d/b/a, )  
CREDIT COLLECTION SERVICES )  
COMMERCIAL, )  
Defendant. )

DEPOSITION OF ELIZABETH E. MOTT, a  
witness called on behalf of the Plaintiffs in the  
above-entitled cause, taken before Dawn Mack-Boaden,  
Notary Public in and for the Commonwealth of  
Massachusetts, pursuant to the Massachusetts Rules  
of Civil Procedure, at the Hotel Indigo Riverside,  
399 Grove Street, Newton, Massachusetts, on Monday,  
May 21, 2012, commencing at 9:00 a.m.

**ELIZABETH E. MOTT,****THRASHER-LYON v. CCS COMMERCIAL LLC,****May 21, 2012**

Page 2

## 1 APPEARANCES

2 Anand Swaminathan, Esquire  
 3 LOEVY & LOEVY  
 4 312 North May Street, Suite 100  
 5 Chicago, Illinois 60607  
 6 (312) 243-5900  
 Counsel on behalf of the Plaintiffs

7 Ranen S. Schechner, Esquire  
 8 HINSHAW & CULBERTSON, LLP  
 9 28 State Street, 24th Floor  
 10 Boston, Massachusetts 02109  
 (617) 213-7000  
 Counsel on behalf of the Defendant

11 Cliff Yuknis, Esquire (via speakerphone)  
 12 HINSHAW & CULBERTSON LLP  
 13 222 North LaSalle Street, Suite 300  
 14 Chicago, Illinois 60601  
 (312) 704-3000  
 Counsel on behalf of the Defendant

15 Michael S. Kraft, Esquire  
 16 THE CCS COMPANIES  
 17 Two Wells Avenue  
 18 Newton, Massachusetts 02459  
 (617) 965-2000  
 General Counsel

19 ALSO PRESENT: Jeffrey Stoddard, The CCS Companies  
 20  
 21  
 22  
 23  
 24

Page 3

## 1 INDEX

2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 By Mr. Swaminathan 4

## 10 EXHIBITS

11 No. Description Page  
 12 1 Notice of Rule 30(b)(6) Deposition 17

13  
 14  
 15  
 16 \*\* Original exhibit was retained by the court  
 17 reporter and delivered with the transcript.  
 18  
 19  
 20  
 21  
 22  
 23  
 24

Page 4

1 P-R-O-C-E-E-D-I-N-G-S

2  
 3 ELIZABETH E. MOTT, a witness first  
 4 having been satisfactorily identified by the  
 5 production of her driver's license, was  
 6 sworn and testified as follows:  
 7

## 8 DIRECT EXAMINATION

9 BY MR. SWAMINATHAN:

10 Q. Good morning. Please state your name for  
 11 the record.

12 A. Elizabeth Mott.

13 Q. And what is your title or position at CCS?

14 A. The dialing manager.

15 MR. YUKNIS: If I may call you Anand,  
 16 first all of, if Ms. Mott and you, Anand,  
 17 could speak up, I'd appreciate it; not  
 18 screaming or hurting your voices, but if you  
 19 get closer to the speaker, that would be  
 20 great.

21 As we've discussed, Counsel, we will  
 22 stipulate that all objections and motions to  
 23 strike are preserved; is that -- is that  
 24 correct?

Page 5

1 MR. SWAMINATHAN: That's right. You  
 2 said you were going to read Mike's e-mail.  
 3 Do you want to just read that? Mike did not  
 4 CC me; so just read it so I know exactly  
 5 what you --

6 MR. YUKNIS: Okay. On the  
 7 confidentiality?

8 MR. SWAMINATHAN: Yes.

9 MR. YUKNIS: Absolutely. We have also  
 10 -- and this is for everyone, especially the  
 11 court reporter, to read an e-mail that  
 12 Anand's colleague and I have worked on; and  
 13 Anand's firm has written me the following  
 14 e-mail in confidentiality.

15 We will treat the case as if a  
 16 protective order were already in place and  
 17 treat it as confidential. All materials and  
 18 testimony is designated at a deposition  
 19 pending entry of a protective order or a  
 20 court ruling that the materials are not  
 21 usually protected. We need -- we may need  
 22 to show database materials to an expert,  
 23 such as a statistician, in which case we  
 24 will have the expert sign a confidentiality

2 (Pages 2 to 5)

Page 10

1 said.

2 So you've done a good job of it so far and  
3 I'm sure it's going to keep going. Let me finish  
4 asking my question, make sure I've completed my  
5 question before you answer, and I will try to do the  
6 same thing. That will help the court reporter.

7 I do tend to talk fast. In addition to  
8 talking fast, some of my questions may not make  
9 sense even if -- or because I'm saying them too  
10 fast. So if you do not understand what I'm saying,  
11 please let me know. If you don't understand the  
12 nature of what I'm saying -- what I'm intending to  
13 ask you, please let me know. If you answer the  
14 question, I'm going to assume you understand it. Is  
15 that okay?

16 A. Yes.

17 Q. All right. Is there any --

18 MR. SCHECHNER: Cliff, can you hear?

19 MR. YUKNIS: Yes, I can. Ms. Mott could  
20 maybe get a little closer, but I heard Anand  
21 very clearly just now.

22 MR. SWAMINATHAN: And I'm tucking in a  
23 little closer to the table as well, Cliff.

24 MR. YUKNIS: I hear you very loud and

Page 12

1 A. Yes.

2 Q. Okay. And what is CCS Commercial LLC, as  
3 you understand it?

4 A. That is our subrogation department,  
5 uninsured motorist claims.

6 Q. And what are the other departments that you  
7 have involvement in within CCS?

8 A. I deal with the first- or third-party  
9 collections, banking and student loans division.

10 Q. Any others?

11 A. No, sir.

12 MR. SWAMINATHAN: I take it there's not  
13 much we can do about the static?

14  
15 (Whereupon, a break was taken in the  
16 proceedings.)

17  
18 BY MR. SWAMINATHAN:

19 Q. So you mentioned subrogation division,  
20 first- and third-party collections, and banking and  
21 student loan division.

22 Any other divisions or areas of CCS with  
23 which you have involvement?

24 A. No.

Page 11

1 clear.

2 BY MR. SWAMINATHAN:

3 Q. Okay. Any reason why you will not be able  
4 to give truthful testimony today?

5 A. No.

6 Q. Okay. You said you are a dialing manager  
7 at CCS; is that correct?

8 A. Yes.

9 Q. Okay. And let me just -- let me just ask  
10 you. Who is your employer, as you understand it?

11 A. CCS Company.

12 Q. And what is your role with regard to CCS  
13 Commercial LLC?

14 A. I'm a dialer manager; so I work with all  
15 business segments. So I don't have any particular  
16 role in one segment of business.

17 Q. So you have a role with regard to all  
18 segments of the business; is that correct?

19 A. Yes, sir.

20 Q. And what are some of the other -- what are  
21 the other divisions with which you have involvement?  
22 Let me ask you this.

23 Do you have involvement with CCS Commercial  
24 LLC?

Page 13

1 Q. Are there any other areas of CCS in terms  
2 of divisions in which they engage in collection  
3 activity other than the ones you just mentioned?

4 A. We have a third-party carrier division.

5 Q. And what does the third-party carrier  
6 division do?

7 MR. YUKNIS: Anand, I'm going to object.  
8 I'm going to object to the question.

9 You're entitled to some corporate  
10 information, but I think you're going --  
11 starting to get far afield from the topic of  
12 your deposition notice, which is all  
13 automated telephone dialing equipment used  
14 by CCS, the Defendant, doing business as  
15 Credit Commercial Services Commercial during  
16 the class period.

17 So, you know, I'll let you -- Ms. Mott  
18 answer this last question, but I think -- I  
19 think you're going a little afield and  
20 beyond the scope of the topic. So I object  
21 on those grounds.

22 MR. SWAMINATHAN: Okay. And, Cliff,  
23 just to note, I appreciate that. Obviously,  
24 I'm trying to get some basic background

4 (Pages 10 to 13)

Page 14

1 information so that -- part of it is to  
2 understand exactly what to -- you know, what  
3 qualifies within the scope of what we're  
4 dealing with here.

5 So I don't intend to spend a lot of time  
6 going in to these other issues at this  
7 point, but I just want to get a basic sense  
8 of, you know, what are these categories and  
9 how do they relate to the CCS Commercial LLC  
10 that is -- that -- the subject of this  
11 lawsuit.

12 MR. YUKNIS: Well, maybe that's the  
13 question you ought to ask. But, you know,  
14 we're here on a short period of time, as you  
15 all well know, so go ahead, ask the  
16 question.

17 MR. SWAMINATHAN: I understand. Can you  
18 just repeat the question.

19  
20 (The question was read back as follows:  
21 "And what does the third-party carrier  
22 division do?")

23  
24 THE WITNESS: It's -- I'm not in -- I

Page 16

1 Q. Sure. So let me ask it again. What is  
2 your understanding of what CCS Commercial LLC is in  
3 relation to the CCS Companies?

4 A. As far as I'm concerned, I work for CCS  
5 Companies. So the different names that they have  
6 really have no bearing on me personally. I know  
7 that CCS Commercial is part of our subrogation  
8 department.

9 Q. Okay. And what are -- what other  
10 activities is CCS Commercial LLC involved with other  
11 than subrogation activities, if any?

12 MR. YUKNIS: Objection. That's been  
13 asked and answered.

14 BY MR. SWAMINATHAN:

15 Q. Go ahead.

16 A. Again, my goal in my job is to run the  
17 dialer for our subrogation department. Any other  
18 business that they do has really nothing to do with  
19 me.

20 Q. Understood. So you operate the dialer for  
21 the subrogation department; is that right?

22 A. Yes.

23 Q. Okay. Do you have any other role with  
24 regard to the subrogation department other than

Page 15

1 don't work for that particular division.  
2 But, in my opinion, it's two insurance  
3 companies will work together to determine  
4 who's at fault for an incident.

5 BY MR. SWAMINATHAN:

6 Q. Okay. And is there a specific company or  
7 entity that is associated with the third-party  
8 carrier division?

9 A. There's multiple different companies.

10 Q. Do you know the names of those companies?  
11 The names -- the names of those companies for the  
12 third-party carrier division.

13 A. I can give you -- there's a lot. I can  
14 give you a few of them. Allstate Insurance,  
15 Progressive, Comcast Cable.

16 Q. Is there a specific CCS related entity name  
17 that handles that type of work involving the  
18 third-party carriers?

19 A. I'm sorry. I don't really understand your  
20 question.

21 Q. So within the CCS Companies, is CCS -- is  
22 CCS Commercial LLC a company or entity within CCS  
23 Credit Companies?

24 A. Is CCS Commercial part of CCS Companies?

Page 17

1 operating the dialers?

2 A. No, sir.

3 Q. Okay. Do you operate the dialers for the  
4 first- and third-party collection divisions?

5 A. Yes.

6 Q. And do you operate the dialers for the  
7 banking and student loan divisions?

8 A. Yes.

9 Q. Do you have any other role with regard to  
10 any of those divisions other than -- other than  
11 operating the dialers?

12 A. No, sir.

13 Q. Okay.

14 MR. SWAMINATHAN: Just mark this as  
15 Exhibit 1.

16  
17 (Exhibit Number 1 was marked for  
18 identification.)

19  
20 BY MR. SWAMINATHAN:

21 Q. What I'm handing you is a document marked  
22 Exhibit 1. It is a copy of the Notice of Rule  
23 30(b)(6) Deposition in the case of Melissa  
24 Thrasher-Lyon versus CCS Commercial LLC. Have you

5 (Pages 14 to 17)